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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Criminal No. 3:21-CR-00155-JD

STIPULATION AND [PROPOSED]  
SCHEDULING ORDER

With the agreement of the parties, the Court enters the following Scheduling Order:

By April 1, 2022, all motions to transfer venue must be filed.

By April 8, 2022, all motions to dismiss or to sever based on the face of the operative indictment, or any other motion based on the face of the operative indictment, must be filed.

By April 15, 2022, all Rule 8 motions, motions for bills of particulars, or motions for discovery of jury composition records must be filed.

By April 15, 2022, any motion by the government to keep secret the names and identities of civilian witnesses must be filed.

1 By April 8, 2022, all materials required under Rule 16 to be produced by the government must  
2 be produced to any defendant that has made a written Rule 16 request. All such Rule 16 materials  
3 acquired thereafter by the government or any of its agents subject to Rule 16 must be produced within  
4 TWENTY-ONE CALENDAR DAYS of receipt or acquisition by government counsel or its agent to  
5 any defendant that has made a written Rule 16 request, unless such production would result in defense  
6 counsel receiving any such Rule 16 materials within a week of the start of trial (or any time after then),  
7 in which case the government must produce any such Rule 16 materials as soon as practicable and  
8 within SEVEN CALENDAR DAYS of receipt or acquisition by government counsel or its agents.

9 By May 27, 2022, motions for a determination pursuant to 18 U.S.C. § 4241(a) must be filed,  
10 except that any such motion shall not be deemed untimely if based on a change in the mental or physical  
11 health of Defendant Carlos E. Kepke documented after May 27, 2022.

12 By June 3, 2022, all government expert reports shall be produced to defense counsel.

13 By June 10, 2022, all motions to suppress, motions alleging any defect in instituting the  
14 prosecution, motions for disclosure of informants, or motions alleging selective prosecution must be  
15 filed.

16 By July 4, 2022, all Rule 16 defense reciprocal disclosures, including expert reports and rebuttal  
17 expert reports, must be produced to the government and all Rule 12.1 and 12.2 defense notices must be  
18 given.

19 By July 22, 2022, all rebuttal expert reports by the government shall be produced to defense  
20 counsel.

21 By August 12, 2022, all *Daubert* or other motions directed at expert reports must be filed.

22 By August 15, 2022, the government must make the disclosures listed in Criminal Local Rule  
23 16.1-1(c)(1) through (4).

24 By August 22, 2022:

- 25 1. The parties shall file a joint pretrial statement that addresses all items listed in Criminal  
26 Local Rule 17.1-1(b).
- 27 2. The parties shall file a joint set of proposed jury instructions. Any disagreement should  
28 be noted, and each party should provide its position.

3. The parties shall file a joint set of proposed voir dire questions. Any disagreement should be noted, and each party should provide its position.
4. The parties shall file a joint proposed verdict form.
5. The parties shall file separate witness lists.
6. The parties shall file separate exhibit lists.
7. The parties may file trial memoranda.
8. The government shall advise the Court that it has produced all *Brady-Giglio* information in its possession and will continue to produce any the government subsequently discovers.
9. All translations or transcripts of conversations or statements to be shown to the jury must be produced, any motions directed to their accuracy shall be heard at the final pretrial conference.
10. The parties shall file all motions for the final pretrial conference, including any motions in limine as well as any of the following:
  - a.. Motions to exclude/include co-conspirator statements;
  - b. Motions to exclude/include Rule 404(b) acts; and
  - c. Motions directed at the accuracy of transcripts of recordings to be shown to the jury.

On September 22, 2022, the final pretrial conference shall be held at 10:30 A.M.

On October 11, 2022, trial shall commence at 9:00 A.M. with jury selection.

Unless otherwise indicated, all motions filed in accordance with this scheduling order will be heard according to the Court's Local Rules.

The undersigned attorney for the government certifies that he has obtained approval from counsel for the Defendant to file this stipulation and proposed order.

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1 IT IS SO STIPULATED.

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s/ Michael G. Pitman  
COREY J. SMITH  
Senior Litigation Counsel  
MICHAEL G. PITMAN  
Assistant United States Attorney

Attorneys for United States of America

s/ Grant P. Fondo  
GRANT P. FONDO

Attorney for Defendant Carlos E. Kepke

12 IT IS SO ORDERED.

14 Dated: \_\_\_\_\_

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JAMES DONATO  
United States District Judge